



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Mr. David Howard  
County of Los Angeles Department of Public Works  
900 S. Fremont Avenue  
Alhambra, CA 91802

**WATER QUALITY CERTIFICATION FOR PROPOSED MARINA DEL REY SEA WALL REPAIR PROJECT (Corps' Project No. 2006-01088-JPL), MARINA DEL REY HARBOR/PACIFIC OCEAN, CITY OF MARINA DEL REY, LOS ANGELES COUNTY (File No. 06-081)**

Dear Mr. Howard:

Regional Board staff has reviewed your request on behalf of County of Los Angeles Department of Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 8, 2006.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

[Original Signed By] \_\_\_\_\_  
Jonathan S. Bishop  
Executive Officer

January 4, 2007  
Date

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

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**ATTACHMENT A**

**Project Information**  
**File No. 06-081**

1. Applicant: Mr. David Howard  
County of Los Angeles Department of Public Works  
900 S. Fremont Avenue  
Alhambra, California 91802

Phone: (626) 300-2300 Fax: (626) 979-5320

2. Applicant's Agent: Gregory P. Mailho  
Senior Project Manager  
TranSystems Corporation  
180 Grand Avenue, Suite 400  
Oakland, California 94612

Phone: (510) 835-2761 Fax: (510) 835-9839

3. Project Name: Marina del Rey Sea Wall Repair Project

4. Project Location: Marina del Rey, Los Angeles County

<u>Longitude</u>	<u>Latitude</u>
118.4456°	33.9699°
118.4540°	33.9716°
118.4567°	33.9758°
118.4552°	33.9834°
118.4423°	33.9824°
118.4403°	33.9770°

5. Type of Project: Sea wall repair

6. Project Purpose: The proposed repairs will provide long-term protection of the Marina del Rey infrastructure, for sound condition and the protection of water-oriented recreational uses.

7. Project Description: Normal tidal and wave action from boats and storms in the Marina del Rey have caused erosion of sediment from under the sea wall footings, creating voids. Over the years, vertical stability of the sea

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wall panels in these locations continues to weaken.

The proposed Phase 1 project entails repairs to approximately 1,585 linear feet of sea wall within the Marina Small Craft Harbor (Marina). Specifically, the repairs are limited to re-establishing the rock rip rap slope adjacent to the sea wall, installing polyvinyl chloride (PVC) grout injection pipes, and filling existing voids with grout, beneath the footings of the concrete panels that make up the sea wall. The Phase 1 project repairs are based on the presence and size of voids, the greatest risk of sea wall failure due to vertical instability. These are large voids beneath non-pile supported gravity sea wall panels, and large voids exposing wood piles under wood pile supported seawall panels. The materials used for the sea wall repairs are relatively benign (filter, fabric, backing material, armor rock, or PVC pipe). The grout mixture will be prevented from mixing with waters by the injection process described below. Project construction will occur from January, 2007 through February, 2008.

Injection ports (through PVC pipes) will first be inserted into the void to be filled at a maximum interval of seven feet. The rock slope will be re-established by placing filter fabric along the face of the sea wall footing, around the injection ports and extending it down to the bottom of the existing slope. Backing will be placed over the filter fabric to provide protection and holding in place. Approximately 460 cubic yards of new ¼ ton armor rock will then be installed over the bedding layer. Both the backing and armor rock will be transported to the site by barge and placed using an excavator. Grout materials will be staged from the landside. Bulk storage will be located at one of the public parking lots in a container and individual pallets of bags of materials will be transported to each void location using a fork lift. The grout will then be mixed and pumped into the voids from the sidewalk behind the sea wall using the PVC injection ports.

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|--|--|
| 8. Federal Agency/Permit:                  | U.S. Army Corps of Engineers<br>NWP No. 03 (Permit No. 2006-01088-JPL) |
| 9. Other Required<br>Regulatory Approvals: | California Coastal Commission<br>Coastal Development Permit            |

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10. California Environmental Quality Act Compliance: The County of Los Angeles determined the proposed project is categorically exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities (d) "Restoration or rehabilitation of deteriorated or damaged structures," on April 17, 2006.
11. Receiving Water: Los Angeles County Coastal: Marina del Rey Harbor (Hydrologic Unit No. 405.13)
12. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, RARE, SHELL
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.6 temporary acres (1,585) linear feet and 0.3 permanent acres (1,585 linear feet).
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Phases 2, 3, and 4 of the Marina del Rey Sea Wall Repair Project are to be implemented within an approximate 5-year period. These future phases are not presently scheduled.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several best management practices, including, but not limited to, the following:
- Silt fences and debris booms will be installed around each repair location to prevent suspended sediments and floating debris from leaving each repair location.
  - The filter fabric and rock will cover the void openings to prevent the grout from being released into marina waters.
  - On the landslide, straw waddles will be placed around each work area to prevent rain from washing the grout materials into the storm drains or into the marina waters.
  - All storm drains will be surrounded by waddles, and covered with fabric to prevent accidental discharge.

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- Provision will be made on the land side for continuous public access to the sea wall around work areas.
- Project construction will be limited from September through March of any year to avoid any potential conflict with least Tern breeding and foraging in the vicinity of the marina.

Biotic surveys were performed to determine the presence of both eelgrass (*Zostera marina*) and *Caulerpa taxifolia* at the project site. The results of these surveys did not indicate the presence of either species within the Phase 1 project area. (See attached survey reports).

An Essential Fish Habitat (EFH) survey was taken and an assessment prepared. The survey indicated that there will be a loss of approximately 0.3 acre of soft bottom benthic habitat covered with new rip rap at the toe of the repaired rip rap slope. Short-term effects will include an increase in turbidity at the work area that may result in smothering of some nearby hard substrate species. No sensitive species of benthic invertebrates will be removed as a result of the smothering of the soft bottom habitat. A temporary loss of hard bottom benthic algae and invertebrates may occur when voids are filled, and when new revetment materials (rock and filter fabric) are placed over the existing rip rap. Full recolonization is expected to occur over a one to five year period and the same community of hard bottom plants, invertebrates, and fishes will be associated with the new intertidal and subtidal hard substrate.

#### 17. Proposed Compensatory Mitigation:

Mitigation for the permanent loss of approximately 0.3 acre of soft bottom habitat is required by the California Coastal Commission (and USACE) as follows:

With the acceptance of this permit the applicant agrees that prior to, or concurrent with, the County's submittal of a coastal development permit application to the Commission for Phase 2 bulkhead repair, or within two years from the date of issuance of this permit, the applicant shall submit, for review and approval of the Executive Director, written evidence of participation in a mitigation program designed in consultation with, and approved by, the National Marine Fisheries Service, California Department of Fish and Game, United States Department of the Army Corps, and the Coastal Commission's

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Executive Director. The mitigation program shall be in an area ecologically connected with Marina del Rey to mitigate the loss of soft bottom habitat from Phase 1 of the repair project with the substantial restoration of open water soft bottom or other tidally influenced wetland habitat at a ratio of 2:1 (mitigation : impact).

The Applicant has contacted the Santa Monica Mountains Conservancy, and the City of Los Angeles, Ballona Lagoon restoration effort, to determine if there are existing or planned restoration/enhancement programs coordinated by those entities that the County may participate in to fulfill the compensatory mitigation requirement.

18. Required  
Compensatory  
Mitigation:

The proposed compensatory mitigation in Item No. 17 above shall be required. Additionally, as specified in Item Nos. 18 through 21 of *Attachment B Conditions of Certifications, Additional Conditions* for the above proposed compensatory mitigation shall be included.

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### Conditions of Certification File No. 06-081

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a five-day (5-day) clear weather forecast before conducting any operations within waters of the State. If rain is predicted, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
14. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
15. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
16. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
17. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
18. The Applicant shall restore the proposed **0.6 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours. The Applicant shall implement all necessary best management practices to control erosion and runoff from areas associated with this project.
19. The Applicant shall provide compensatory mitigation for the proposed permanent impacts to **0.30 acres** of habitat within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **2:1**

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area replacement ratio (**0.60 acres**). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.60 acres of habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the Los Angeles County Coastal Watershed unless otherwise approved by this Regional Board.

20. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.60 acres** of habitat within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, not administrative costs. The mitigation site shall be located within the Los Angeles County Coastal Waters unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
- (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
  - (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
  - (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
  - (d) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States** and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

21. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
22. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
- (e) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;

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**Conditions of Certification  
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- (g) The overall status of project including a detailed schedule of work;
  - (h) Copies of all permits revised as required in Additional Condition 1;
  - (i) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (j) A certified Statement of “no net loss” of wetlands associated with this project;
  - (k) Discussion of any monitoring activities and exotic plant control efforts; and
  - (l) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
23. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
24. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)”

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25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **06-081**. Submittals shall be sent to the attention of the 401 Certification Unit.
26. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
27. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
28. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
30. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing

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remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.